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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,018	02/09/2005	Murray Douglas Jones	4505-1037	7567
466	7590	06/22/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER VALENTI, ANDREA M	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,018	Applicant(s) JONES ET AL.	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22 and 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22, 25-34, 37 and 40 is/are rejected.
- 7) ☒ Claim(s) 35, 36, 38, 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claims 32, 18-22, 25-28, 33, 40 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. Des. 182,259 to Tupper.

Rejections based on the newly cited reference(s) follow.

The indicated allowability of claims 34 and 37 is withdrawn, new ground of rejection follow.

Claim Objections

Claim 29 is objected to because of the following informalities:

Claim 29, line 7, "the slot extends," should be --the first slot extends,--

Claim 29, line 13, "loglegged" should be --doglegged--

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-22, 25, 26, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 479,509 to Heaphy, Jr. in view of U.S. Patent No. Des. 182,259 to Tupper.

Regarding Claim 32, Heaphy teaches a clip including a body (Heaphy Fig. 1, see attached Fig. 1 for identification of claimed features), a first opening within the body and

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in which, in use, a part of a plant can engage (Functional language that Heaphy is capable of performing); a first slot extending between the first opening and a first edge of the body, a second opening within the body, a second slot extending between the second opening and a second edge of the body, wherein the second slot extends from the second edge of the body, which is opposite the first edge from which the first slot extends.

Heaphy is silent on a peripheral edge of the body and the first and second edges of the first and second slots and the first opening and the second opening include a wall which projects from opposite flat sides of the body. However, Tupper teaches a clip hanger with a first and second slot extending from a first and second opening and the entire periphery of the device including the openings, slots, and edges have a wall that projects from opposite flat sides of the body (Tupper Fig. 1 and 4). It would have been obvious to one of ordinary skill in the art to modify the teachings of Heaphy with the teachings of Tupper at the time of the invention for aesthetic appeal and structural stability.

Regarding Claims 18 and 19, Heaphy as modified teaches the first slot is of doglegged form (See attached Heaphy Fig. 1).

Regarding Claims 20 and 21, Heaphy as modified teaches the first and second slot has a widened mouth at the edge of the body (Heaphy Fig. 1 element C).

Regarding Claim 22, Heaphy as modified teaches the body is made of any suitable material (Heaphy line 59), but is silent on the body is of a moulded plastic construction. However, it would have been obvious to one of ordinary skill in the art to

(No Model.)

J. W. HEAPHY, Jr.
CORD ADJUSTER FOR ELECTRIC LAMPS.

No. 479,509.

Patented July 26, 1892.

Fig. 1.

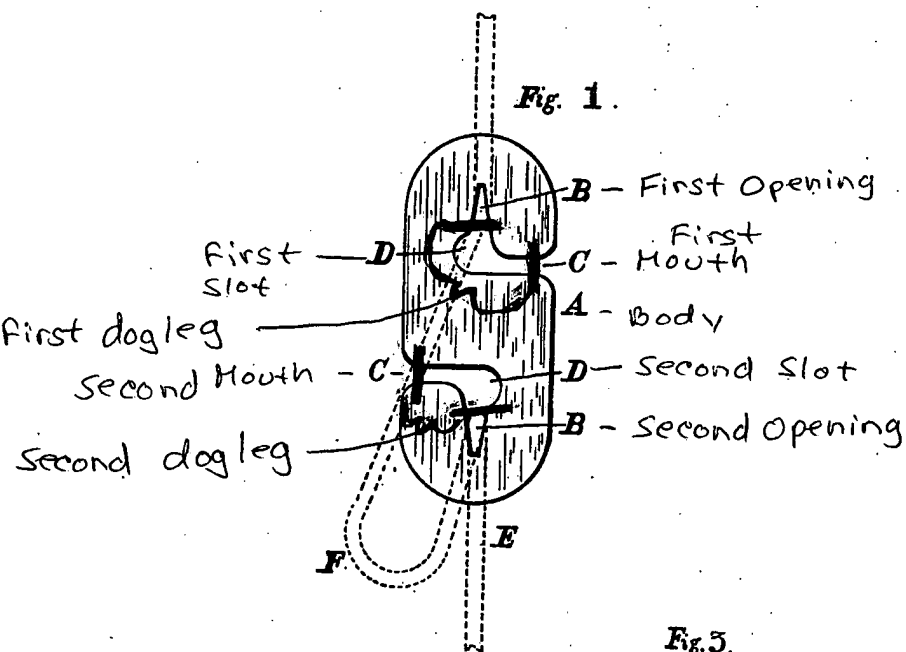


Fig. 2.

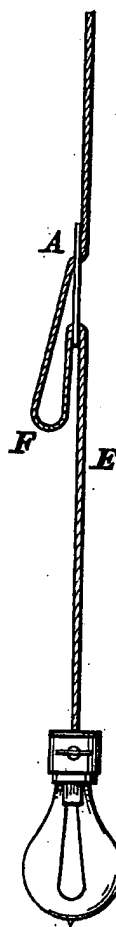
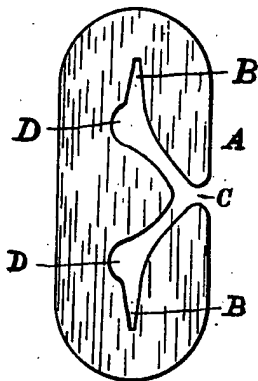


Fig. 3.



Witnesses

A. Gorge Jr.
C. G. Cramell

John W. Heaphy, Jr.
By Geo. B. Selden,

Attorney

THE MORRIS PETERS CO., PHOTO-LITHO, WASHINGTON, D. C.

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further modify the teachings of Heaphy at the time of the invention since the modification is merely the selection of a known material for intended use selected so it won't rust and does not present a patentably distinct limitation [Leshin 125 USPQ 416].

Regarding Claim 25, Heaphy as modified teaches the wall has rounded edges (Heaphy Fig. 1 and Tupper Fig. 1).

Regarding Claim 26, Heaphy as modified teaches the clip is symmetrical about central longitudinal and lateral axes (Heaphy Fig. 1).

Regarding Claim 33, Heaphy as modified teaches the wall is continuous (Tupper Fig. 1).

Claims 18-22, 25, 26, 27, 28 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,575,446 to Swenson in view of U.S. Patent No. Des. 182,259 to Tupper.

Regarding Claim 32, Swenson teaches a clip including a body (Swenson Fig. 1), a first opening (Swenson Fig. 1 #21) within the body and in which, in use, a part of a plant can engage (Functional language, Swenson Fig. 2); a first slot (Swenson Fig. 1 #13) extending between the first opening and a first edge of the body, a second opening (Swenson Fig. 1 #22) within the body, a second slot (Swenson Fig. 1 #14) extending between the second opening and a second edge of the body, wherein the second slot extends from the second edge of the body, which is opposite the first edge from which the first slot extends.

Swenson is silent on a peripheral edge of the body and the first and second edges of the first and second slots and the first opening and the second opening include a wall which projects from opposite flat sides of the body. However, Tupper teaches a clip hanger with a first and second slot extending from a first and second opening and the entire periphery of the device including the openings, slots, and edges have a wall that projects from opposite flat sides of the body (Tupper Fig. 1 and 4). It would have been obvious to one of ordinary skill in the art to modify the teachings of Swenson with the teachings of Tupper at the time of the invention for aesthetic appeal and structural stability.

Regarding Claim 27, Swenson as modified teaches each of said first opening and said second opening is circular in shape (Swenson #21 and 22).

Regarding Claim 28, Swenson as modified teaches the diameter of said first opening is greater than the diameter of said second opening (Swenson Fig. 1 #21 is greater than #22).

Regarding Claims 18 and 19, Swenson as modified teaches the first slot is of doglegged form (Swenson fig. 1 #13/#17 and #14/#20).

Regarding Claims 20 and 21, Swenson as modified teaches the first and second slot has a widened mouth at the edge of the body (Swenson Fig. 1 between #17 and 10 and between #20 and 10).

Regarding Claim 22, Heaphy as modified teaches the body is made of plastic (Swenson Col. 3 line 28).

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Regarding Claim 25, Swenson as modified teaches the wall has rounded edges (Swenson Fig. 1 and Tupper Fig. 1).

Regarding Claim 26, Swenson as modified teaches the clip is symmetrical about central longitudinal and lateral axes (Swenson Fig. 1).

Regarding Claim 33, Swenson as modified teaches the wall is continuous (Tupper Fig. 1).

Claim Rejections - 35 USC § 102

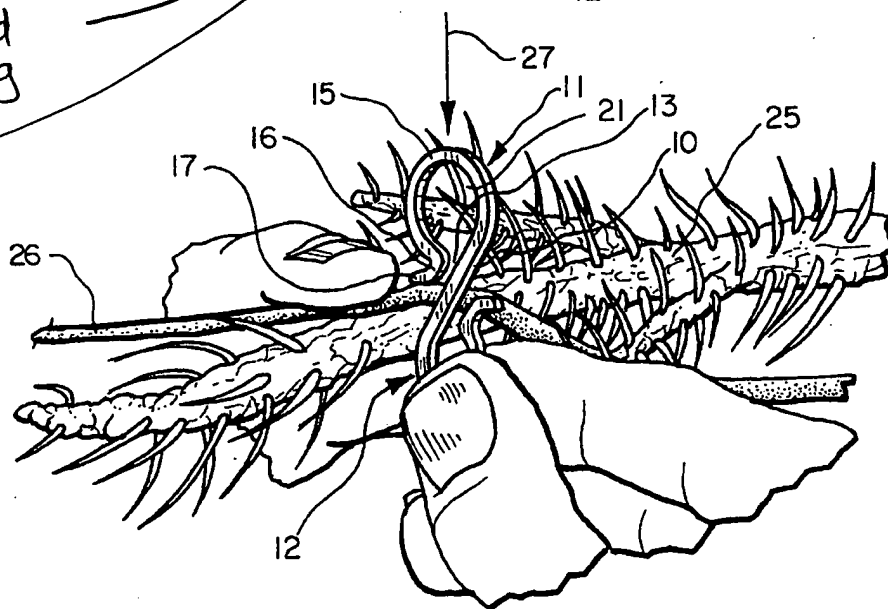
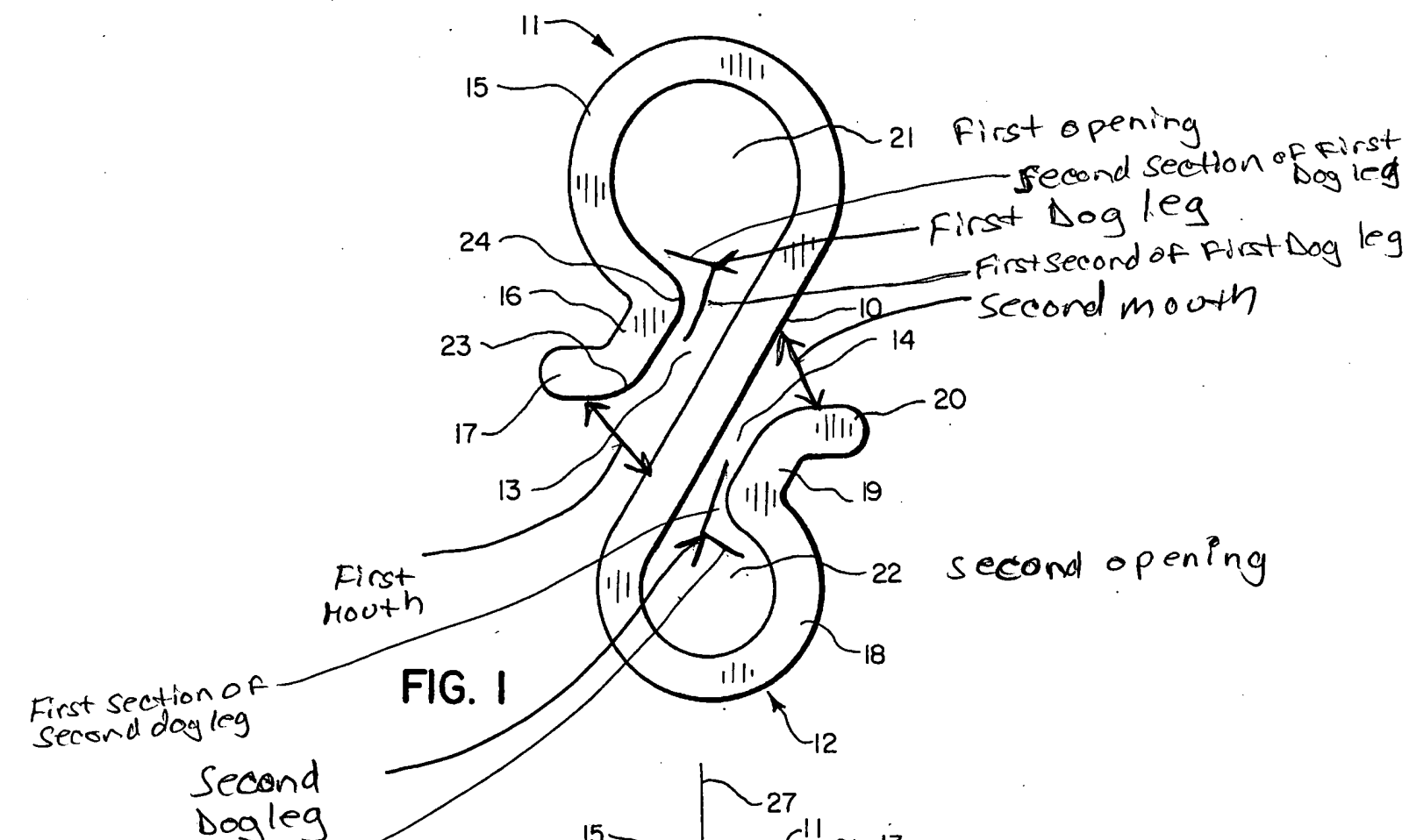
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 30, 31, 37, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,575,446 to Swenson.

Regarding Claim 29, Swenson teaches a clip including a body (Swenson Fig. 1 #11), a first opening (Swenson Fig. 1 #21) within the body and a first slot (Swenson Fig. 1 #16 and 13) extending between said first opening and an edge of the body, a second opening (Swenson Fig. 1 #22) within the body and a second slot (Swenson Fig. 1 #14) extending between the second opening and an edge of the body which is opposite to that from which the slot extends, said first and second slots each being of doglegged (Swenson Fig. 1 see attached) form and which extends from a widened mouth at the edge (Swenson Fig. 1 between #17 and 10 and between #20 and 10) of the body said clip being symmetrical about a central longitudinal axis, wherein, each mouth is



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separate from said doglegged form; each of said first opening and said second opening is wider in cross-section than a cross-sectional width of the corresponding first slot and the corresponding second slot (Swenson Fig. 1 #21, 22, 13, 14).

Regarding Claim 30, Swenson teaches wherein each opening is circular in shape (Swenson Fig. 1 #21 and 22).

Regarding Claim 31, Swenson teaches wherein the diameter of one of said first and second openings is greater than the diameter of the other of said first and second openings (Swenson Fig. 1 #21 is greater than #22).

Regarding Claims 37 and 34, Swenson teaches the first and second doglegged slots each has a first portion which extends at an angle to the edge of the body, the first slot further has a second portion which inclines away from the first portion and extends to the first opening within the body and the second slot further has a second portion which inclines away from the first portion and extends to the second opening within the body (See attached Swenson Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 40 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,575,446 to Swenson in view of U.S. Patent No. Des. 182,259 to Tupper.

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Regarding Claim 40, Swenson is silent on a peripheral edge of the body and the first and second edges of the first and second slots and the first opening and the second opening include a wall which projects from opposite flat sides of the body. However, Tupper teaches a clip hanger with a first and second slot extending from a first and second opening and the entire periphery of the device including the openings, slots, and edges have a wall that projects from opposite flat sides of the body (Tupper Fig. 1 and 4). It would have been obvious to one of ordinary skill in the art to modify the teachings of Swenson with the teachings of Tupper at the time of the invention for aesthetic appeal and structural stability.

Allowable Subject Matter

Claims 35, 36, 38, 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 18-22, 25-34, 37, 40 have been considered but are moot in view of the new ground(s) of rejection.

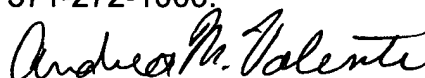
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrea M. Valenti
Primary Examiner
Art Unit 3643

14 June 2007